

IN RE: PETITION FOR SPECIAL HEARING  
NEC Martin Boulevard and  
Compass Road  
(Victory Villa Shopping Center)  
14<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(23 Ivy Reach Court)

Victory Villa Limited Partnership  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 99-530-SPH

\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing filed by the legal owners of the subject property, Victory Villa Limited Partnership, by and through Andrew Segall, its President and the Lessee of the subject property, Village Builders 98, LP. The petition was prepared and filed by David Gildea, attorney at law. The special hearing request is for property located on the northeast corner of the intersection of Martin Boulevard and Compass Road, located in the Middle River area of Baltimore County. The special hearing request is filed pursuant to Section 409.10A of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the number of required stacking spaces for a proposed drive through facility for a pharmacy.

Appearing at the hearing on behalf of the special hearing request were: Tim Madden, appearing on behalf of Morris & Ritchie Associates, Inc., the engineers and planners who prepared the site plan of the property; Mike Lenhart, a traffic expert appearing on behalf of the Traffic Group; and Tom Perucci, appearing on behalf of Village Builders 98, LP. The Petitioner was represented by Jennifer Busse, attorney at law.

Testimony and evidence indicated that the property which is the subject of this special hearing request is the site of the Victory Village Shopping Center located on the northeast corner

ORDER RECEIVED FOR FILING

Date

9/8/99

By

J. J. Jenson

of the intersection of Compass Road and Martin Boulevard. The subject site consists of approximately 4.08 acres and is zoned BL-AS. The Petitioner, Walgreens Drug Store, is desirous of locating one of its stores at the corner of this shopping center. They intend to raze the existing Sunoco Gasoline Service Station and a portion of the existing shopping center in order to make way for a new Walgreens Pharmacy. In connection with the new pharmacy operation, the Petitioner is requesting approval for a drive-thru window which will service their customers. At this time, the Petitioner proposes a dual drive-thru operation wherein two lanes of stacking are provided for customers. This drive-thru window is able to accommodate up to 6 stacking spaces in addition to the 2 spaces already being serviced at the window. Therefore, a total of 8 cars can be safely utilizing the drive-thru window operation at any given time.

Mr. Perucci, as well as Mr. Lenhart, the traffic expert hired by the Petitioner, both testified that the 6 stacking spaces provided by the Petitioner are more than adequate to meet the needs of the customers and will not pose any adverse traffic consequences on the remainder of the property. Traffic studies have been performed at similar operations around the country, all of which indicated that this drive-thru window can operate safely at this location. However, in order to proceed with the construction of this new pharmacy, the special hearing request from Section 409.10 of the Baltimore County Zoning Regulations is necessary. That particular section generally regulates the amount of stacking spaces which are required for drive-thru operations. Specifically, that section regulates such uses as banks, car washes, restaurants, etc. It further designates the amount of stacking spaces required for each listed use. However, the section does not specifically mention a pharmacy operation. Drive-thru facilities at pharmacies are a recent development and were not mentioned when Section 409.10 was approved by the County Council. In the event a particular use is not listed within that section, the Zoning Commissioner

ORDER RECEIVED FOR FILING

Date 9-18-99

By J. R. Jameson

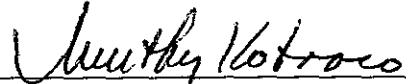
shall determine the amount of stacking spaces required. Based on the testimony and evidence presented at the hearing, I find that the 6 stacking spaces provided by the Petitioner is more than adequate to service the needs of the Walgreens' customers. Therefore, the special hearing request shall be approved.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8<sup>th</sup> day of September, 1999 that the Petitioner's Special Hearing request filed pursuant to Section 409.10A of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the number of required stacking spaces for a proposed drive through facility for a pharmacy, be and is hereby GRANTED.

The Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING  
Date 9/8/99  
By R. Jamison



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

September 7, 1999

Jennifer Busse, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, 4<sup>th</sup> Floor  
Towson, Maryland 21204

Re: Petition for Special Hearing  
Case No. 00-530-SPH  
Property: N/E Corner of Martin Boulevard  
and Compass Road  
Victory Villa Shopping Center

Dear Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

Copies to:

Andrew Segall, President  
Victory Village Limited Partnership  
Village of Cross Keys  
Village Square, Suite 219  
Baltimore, Maryland 21210

Mr. Tom Perucci  
Village Builders 98 , LP  
11921 Rockville Pike, Suite 300  
Rockville, Maryland 20852

David K. Gildea, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, 4<sup>th</sup> Floor  
Towson, Maryland 21204

Mr. Tim Madden  
Morris & Ritchie Associates, Inc.  
110 West Road  
Towson, Maryland 21204

Mr. Mike Lenhart  
The Traffic Group  
40 W. Chesapeake Avenue  
Towson, Maryland 21204



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

N/E Corner of Martin Blvd and  
for the property located at Compass Road, Victory Villa  
which is presently zoned Shopping Center

BL-AS and DR-16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

pursuant to BCZR Section 409.10A, the number of required stacking spaces for a proposed drive through facility for a pharmacy.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Village Builders 98, LP

Name - Type or Print

Signature

11221 Rockville Pike, Suite 300

Address

Telephone No.

Rockville, MD 20852

(301) 23100936

City

State

Zip Code

### Attorney For Petitioner:

David K. Gildea

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Company

210 W. Pennsylvania Ave, 4th Floor

Address

Telephone No.

Towson, MD 21204

(410) 832-2000

City

State

Zip Code

### Legal Owner(s):

Victory Villa Limited Partnership

Name - Type or Print

Signature

Andrew G. Sefton, Pres.

Name - Type or Print

Signature

Village of Cross Keys, Village Sq, Suite 219

Address

Telephone No.

Baltimore, MD 21210

City

State

Zip Code

### Representative to be Contacted:

David K. Gildea

Name

210 W. Pennsylvania Ave, 4th Floor

Address

Telephone No.

Towson, MD 21204

(410) 832-2000

City

State

Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By Jam Date 6-30-99

Case No. 99-530 SPH

220 9/15/98

ORDER RECEIVED FOR FILING  
Date 9/8/99

# MORRIS & RITCHE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



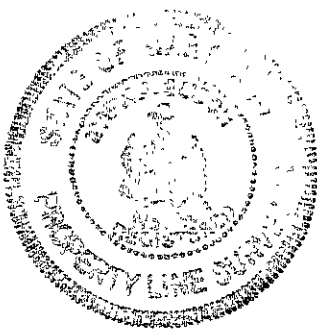
## ZONING DESCRIPTION

BEGINNING for the same at the intersection of the northern right of way line of Martin Boulevard (MD RTE 700), 150 foot right of way, and the eastern right of way line of Compass Road, 100 foot right of way, thence the following courses:

North 26°59' 20" East 246.20 feet, South 64°56' 10" East 553.50 feet, South 29°17' 12" West 212.28 feet, South 29°13' 20" West 50.00 feet, by a non tangential curve to the right with a radius of 5604.58 feet, an arc length of 2.33 feet, and a chord bearing of South 60°47' 23" East 2.33 feet, South 16°00' 22" East 14.18 feet, South 28°50' 26" West 30.00 feet, South 73°59' 33" West 14.11 feet, by a curve to the right with a radius of 5654.58 feet and an arc length of 783.82 feet, and a chord bearing of North 59°14' 47" West 783.19 feet to the point of BEGINNING.

BEING known as #4521 Martin Boulevard, BEING ALSO known as Lot 1 of a plat entitled "SUB-DIVISION PLAT OF 4.947 AC± PARCEL, VICTORY VILLA-SECTION I-PLAT J" and recorded among the Plat Records of Baltimore County, Maryland in Liber E.H.K. Jr 42, Folio 125 and located in the Fifteenth Election District.

530



Mark A. Busch

Registered Property Line Surveyor No. 508

GP:mak\s\11239\zoningdes\063099

99.530-SPH

☐ 139 N. MAIN STREET SUITE 200  
BELAIR, MARYLAND 21014  
(410) 879-1690 (410) 836-7560  
FAX (410) 879-1820

☒ 110 WEST ROAD SUITE 245  
TOWSON, MARYLAND 21204  
(410) 821-1690  
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9  
ANNAPOLIS JUNCTION, MARYLAND 20701  
(410) 792-9792 (301) 776-1690  
FAX (410) 792-7395

H92-DEC-PP

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

530

No. 070415

DATE 6-30-99 ACCOUNT Real-6150

AMOUNT \$ 250.00

RECEIVED WILLIAM BLODS. NE (P.R. 11.11.50)  
FROM: 4 Company 10.

FOR: (04) SDC404 HRC

99-530-SPH

PAID RECEIPT

PROCESS ACTUAL TIME  
6/30/1999 6/30/1999 09:29:15  
REG #502 CASHIER LEWIS LXS DRIVER 2  
DEPT 5 528 ZONING VERIFICATION  
Receipt # 098197  
CR # 070415

Receipt Tot 250.00  
250.00 OK  
Baltimore County, Maryland

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

JCH

**CERTIFICATE OF POSTING**

RE: CASE # 99-530-SPH  
PETITIONER/DEVELOPER:  
(Village Builders 98, LP)  
DATE OF Hearing  
(Aug. 24, 1999)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
4521 Martin Boulevard Baltimore, Maryland 21220\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 8-8-99 \_\_\_\_\_  
[Month, Day, Year]

Sincerely,

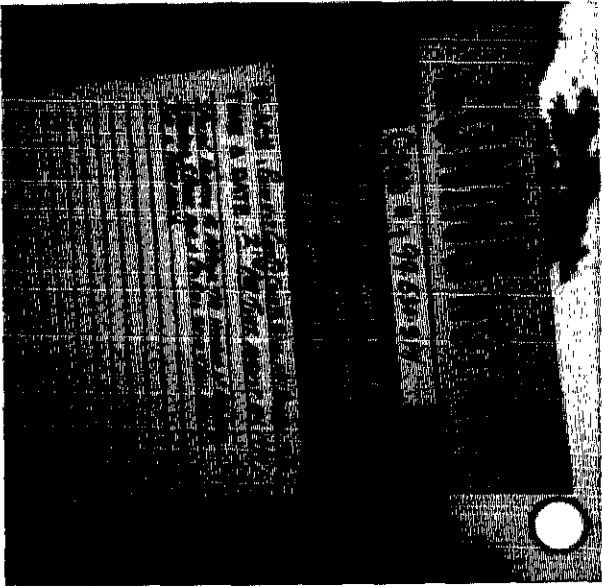
  
[Signature of Sign Poster & Date]

\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

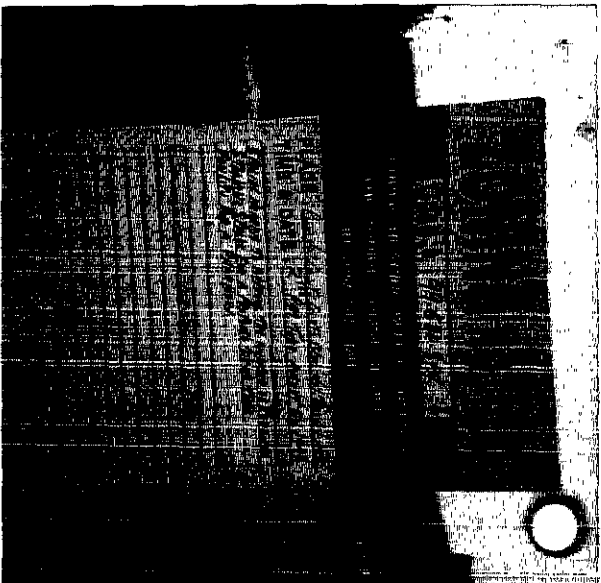
\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_\_ [410]-687-8405 \_\_\_\_\_  
[Telephone Number]



*Entrance  
on Compass Road*



*Entrance  
on Martin Blvd.*

# CERTIFICATE OF PUBLICATION

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-330-SPH  
4821 Martin Boulevard  
NEC, Martin Boulevard and  
Compass Road (Victory Villa  
Shopping Center)  
14th Election District  
6th Councilmanic District  
Legal Owner(s): Victory Villa  
Limited Partnership  
Contract Purchaser: Village  
Builders '98, LP

Special Hearing: to approve  
the number of required stack-  
ing spaces for a proposed  
drive through facility for a  
pharmacy.

Hearing: Tuesday, August  
24, 1999 at 2:00 p.m. in  
Room 407, County Courts  
Bldg., 401 Basley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information concern-  
ing the File and/or Hearing,  
Contact the Zoning Review Of-  
fice at (410) 887-3381.  
8/038 August 5 0329772

TOWSON, MD., 8/5/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 8/5/, 1999.

THE JEFFERSONIAN,

*S. Wilkinson*

LEGAL ADVERTISING



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 27, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-530-SPH  
4521 Martin Boulevard  
NEC Martin Boulevard and Compass Road (Victory Villa Shopping Center)  
14<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owner: Victory Villa Limited Partnership  
Contract Purchaser: Village Builders 98, LP

Special Hearing to approve the number of required stacking spaces for a proposed drive through facility for a pharmacy.

HEARING: Tuesday, August 24, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, 4<sup>th</sup> Floor, Towson 21204  
Victory Villa Limited Partnership, Andrew Segall, President, Village of Cross Keys, Village Square, Suite 219, Baltimore 21210  
Village Builders 98, LP, 11921 Rockville Pike, Suite 300, Rockville 20852

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 9, 1999.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 5, 1999 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204

410-832-2000

---


## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-530-SPH  
4521 Martin Boulevard  
NEC Martin Boulevard and Compass Road (Victory Villa Shopping Center)  
14<sup>th</sup> Election District - 5<sup>th</sup> Councilmanic District  
Legal Owner: Victory Villa Limited Partnership  
Contract Purchaser: Village Builders 98, LP

Special Hearing to approve the number of required stacking spaces for a proposed drive through facility for a pharmacy.

HEARING: Tuesday, August 24, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

5C)  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: 530  
Petitioner: Village Builders 98, LP  
Address or Location: NE corner of Martin Blvd and Congress Rd.

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: David K. Fickler, ESQ.  
Address: Whiteford, Taylor + Puckett  
210 W. Penn. Ave Towson, Md. 21204  
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

**99.530.SPA**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

August 20, 1999

David K. Gildea, Esq.  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204

Dear Mr. Gildea:

RE: Case No.: 99-530-SPH  
Petitioner: Victory Villa Ltd. Part./Village Builders 98, LP  
Location: NEC Martin Blvd. and Compass Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 30, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 4, 1999

FROM: Robert W. Bowling, Supervisor *RWB/DMK*  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for July 26, 1999  
Item Nos. 525, 526, 528, 529, 530,  
531, 532, 001, 002, 003, 004, 005,  
006, 007, 009, 010, 011, 012, 013,  
and 014

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

**BALTIMORE COUNTY, MARYLAND**

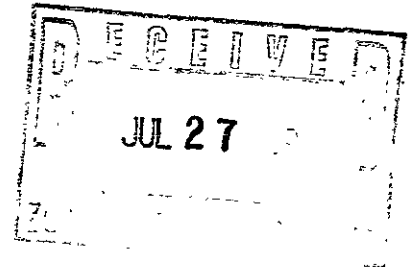
**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** July 26, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions



The Office of Planning has no comment on the following petition(s):  
Item No(s): 527, 529, 530, 002, 009, and 013

If there should be any questions or this office can provide additional information, please  
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: \_\_\_\_\_

AFK/JL



**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

July 21, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
zBaltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 19, 1999

Item No.: 005, 006 001, (530) Zoning Agenda:

Gentlemen:

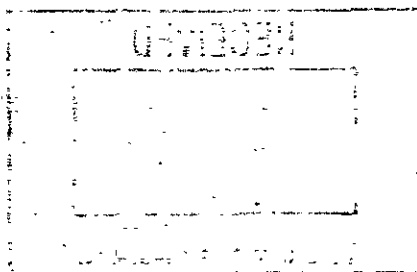
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 7.21.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

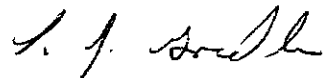
RE: Baltimore County  
Item No. 530 JCM

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at ([lgredlein@sha.state.md.us](mailto:lgredlein@sha.state.md.us)).

Very truly yours,

  
lc Michael M. Lenhart, Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING  
4521 Martin Boulevard, NEC Martin Blvd and  
Compass Rd (Victory Villa Shpg. Ctr.)  
14th Election District, 5th Councilmanic


Legal Owner: Victory Villa L.P.  
Contract Purchaser: Village Builders 98 L.P.  
Petitioner(s)

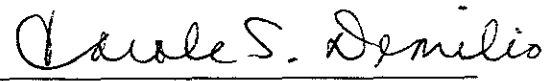
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-530-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

  
PETER MAX ZIMMERMAN

IN RE: DEVELOPMENT PLAN HEARING  
& PETITIONS FOR SPECIAL  
HEARING AND VARIANCE  
SW cor. Martin Blvd. & Compass Rd.  
15th Election District  
5th Councilmanic District  
Project: CVS Pharmacy  
Blackford Development Ltd., Developer

\* BEFORE THE  
\* HEARING OFFICER  
\* OF BALTIMORE COUNTY  
\* Case No. XV-728 & 99-305-SPHA

\* \* \* \* \*

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter, again, comes before the Zoning Commissioner/Hearing Officer for a public hearing, for consideration of the development plan prepared by George W. Stephens, Jr., Associates, Inc., (Civil Engineers, Land Surveyors and Land Planners) and for zoning relief, pursuant to Petitions for Special Hearing and Variance. The development plan and the zoning relief are for the property located adjacent to the intersection of Martin Boulevard and Compass Road in eastern Baltimore County, known as 2 Compass Road. The zoning relief requested is for the approval of (A) An amendment to the previously approved plan in zoning case No. 98-389-SPHA to allow an outside speaker system, and (B) A variance, as is necessary, from Section 409.10 of the Baltimore County Zoning Regulations (BCZR) to permit two stacking spaces in lieu of the required five spaces. The red lined development plan/plat to accompany the Petition for Special Hearing and Variance were received as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case on behalf of the Developer/Petitioner were Joseph Deerin and Donna Deerin. Also present was Tom Woolfolk, of G.W. Stephens, Jr., and Associates, Inc., Daniel Farber, a noise/acoustics expert, and Wes Guckert, a traffic engineer. The Developer/Petitioner was represented by Leslie M. Pittler, Esquire. Appearing as interested persons and/or in opposition to the request were Ellen Kern, Vivian R. Nawrocki, Betty B. King and D.E. Hart. Also present at the hearing were representatives of the County agencies which reviewed the project, including Lyn Lanham from the Office of Planning, R. Bruce Seeley from the Office of Environmental Protection and Resource Management (DEPRM), Bob Bowling from the Developer's Plan Review Division, and Stephany Wright from Land Acquisition, of the Office Permits and Development

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4/11/99  
By [Signature]  
DMD

Management (PDM).

The proposal and subject property at issue was the subject of the recent zoning case No. 98-384-SPHA. In that case, the matter came before me for consideration of a Petition for Special Hearing and Variance. Generally, the Petitions sought approval of the development of the subject property with a CVS Pharmacy. A series of variances and special hearing relief were necessary to accommodate the proposal. By Order of July 22, 1998, I granted the Petitions for Special Hearing and Variance with certain modifications and restrictions. The terms, conditions and provisions of that Order are expressly incorporated herein. A Motion for Reconsideration was filed by the property owners (Blackford Development Ltd) and Contract Purchaser (Goldentree Development, Inc.) seeking an amendment to that Order. The Motion for Reconsideration was granted, as set forth in a two page opinion by me on August 31, 1998. The record of the case indicates that no appeal was taken from either the Order granting the Motion for Reconsideration or the original Order approving the Petitions for Special Hearing and Variance.

As a condition attached to the original Order approval, I directed the Applicant to submit the project to the County's Development Process as codified in Title 26 of the Baltimore County Code. That is, I ordered that the Developer submit a development plan for approval through the process and regulations contained therein. In accordance therewith, the Developer thereafter submitted a Concept Plan on November 23, 1998 and conducted a Community Input Meeting as required on December 16, 1998 at the Victory Villa Community Center. Subsequently, the development plan was submitted and a conference was held thereon on February 24, 1999. The Hearing Officer's hearing was thereafter scheduled and conducted on March 18, 1999. As noted above, at issue is not only the development plan, but testimony and evidence was also received on Petitions for Special Hearing and Variance. A single public hearing for these combined requests is expressly permitted pursuant to Section 26-206.1 of the Baltimore County Code.

Turning first to the development plan (Developer's Exhibit No. 1), the red lined plan was received in open hearing and examined by all those present. Mr. Pittler, on behalf of his

client, testified that the plan met all County agency requirements and that there were no open issues or unresolved comments. Thus, from the Developer's perspective, the plan should be approved. This representation was corroborated by County agency representatives who appeared. Mr. Bowling on behalf of Developer's Plans Review and Ms. Lanham from the Office of Planning both indicated that there were no open issues and that the plan met all of their respective agency comments. Mr. Seeley from DEPRM and Ms. Wright from the Land Acquisition Bureau, likewise, indicated that the plan complied with all of their respective department's requirements. Indeed, even the Protestants present did not identify any issue specifically related to the development plan.

Section 26-206 of the Code directs the Hearing Officer to approve a development plan when there are no open issues or unresolved comments. The language is mandatory and requires the approval of the plan in those circumstances. Based upon this language and the fact that no open issues or comments were identified at the hearing, the red lined development plan will, therefore, be approved.

As to the zoning relief, consideration is first given to an amendment to the previously approved plan to permit an outside speaker. As shown on the new plan, an outside speaker will be installed at the drive-in window which has been proposed. Testimony was offered at the hearing that the drive-in window is a significant part of the overall customer service scheme offered at this CVS location. Moreover, uncontradicted testimony was offered by Mr. Farber of Environmental Acoustics, Inc. regarding the proposed speaker system. He described in some detail the expected level of noise to be generated (70 decibels at 3 ft.) by the speaker system and compared that level to the noise generated by a radio played at a moderate volume. More importantly, he testified that at the property line (150 ft. away) the volume would be reduced by approximately 39 decibels. This reduction would be due to the dispersal of the noise caused by distance and also the redirecting or buffering of sound by traffic on the site. He concluded that a noise level of 31 decibels would exist at the property line. The level is below the typical background noise measurement of 45 decibels. Thus, he concluded that the noise levels would be of no adverse impact on surrounding properties.

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DATE 11/1/99  
BY M. Wright

The second part of the zoning relief request is from Section 409.10 of the BCZR. That section generally regulates the amount of stacking spaces which are required for drive-thru uses. The section lists among such uses as banks, carwashes, restaurants, etc. It requires a specific number of spaces for each use. A pharmacy does not appear among the enumerated uses. However, Section 409.10(a) provides that for such uses specifically named, the Zoning Commissioner shall determine the amount of parking spaces required.

Testimony was offered on this point by Mr. Guckert. He described the proposed parking and traffic circulation patterns in detail. He also noted that typically the drive-thru window would only be used at any one time by a single vehicle. He indicated that the drive-thru window would most often be used by individuals coming to pick up prescriptions. He classified the drive-thru window as an extremely low traffic generating use which would not generate stacking. Moreover, he indicated that the plan shows two stacking spaces will be provided and, in his judgment, will be sufficient.

Based on the testimony and evidence offered, I am persuaded to grant the Petitions for Variance and Special Hearing. I am convinced by the expert testimony offered in this case. The noise levels caused by the outdoor speaker system appear to be very minimal and should not adversely impact any neighboring property. Moreover, it appears that low volumes of traffic at the drive-thru window are anticipated. The traffic flow patterns, which are shown on the plan, will prevent an overflow of traffic into public streets or adversely affect neighboring properties. There was substantial testimony on the traffic pattern and the design of the access points from/to Compass Road. I am persuaded that the plan is well thought out in this respect and that there will not be an adverse impact.

Pursuant to the advertisement, posting of the property and the public hearing on this development plan held, and for the reasons given above, the relief requested shall be approved.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of April 1999 that the development plan submitted in the within case as Developer's Exhibit No. 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that approval to amend the previously approved plan in zoning case No. 98-389-SPHA to allow an outside speaker system, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10 of the Baltimore County Zoning Regulations (BCZR) to permit two stacking spaces in lieu of the required five spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the property shall be developed in accordance with the Red Lined Development Plan (Petitioner's Exhibit No. 1), and shall be in accordance with the terms, conditions and restrictions set out in the Order in zoning case No. 98-389-SPHA, except as expressly modified herein .

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions of this opinion and Order and/or the development plan comments, as set out herein above.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mmn

ORIGINAL FILED FOR FILING  
Date 4/11/99  
By [Signature]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tim Madden

Mike Lenhart

Tom Perucci

MRA - 110 West Rd Towson, Md,

The Truth Group 40 W. Chesapeake Ave Towson, 21204

Village Prop 11921 Rockville Pike  
Rockville MD



*KD Anderson*

Transportation Engineers

RECEIVED

AUG 23 1999

VILLAGE PROPERTIES

August 17, 1999

Mr. John Glikbarg  
VILLAGE PROPERTIES  
562 Mission Street, Suite 201  
San Francisco, CA 94105 fax (415) 546-0569

RE: TRAFFIC ASSOCIATED WITH WALGREENS STORES DRIVE-THRU  
PHARMACY WINDOWS.

Dear Mr. Glikbarg

As requested, our firm observed the traffic characteristics of Walgreens Stores in Sacramento County. Our objective was to determine the number of patrons making use of the pharmacy's drive-thru window during peak traffic hours, as well as the length of queues occurring at the window and the amount of time spent in queue.

Our investigation was conducted at two Walgreens stores in Sacramento County during late July and early August. Both stores are located adjacent to major four lane arterial streets carrying significant peak hour traffic. The store in Citrus Heights is located at the intersection of Hazel Avenue and Greenback Lane and has a single drive thru window. The other store is located near the intersection of Arden Way and Eastern Avenue and has dual drive thru windows. Each location was observed during the morning (i.e., 7:00 a.m. to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak traffic period on two days.

**Total Activity at Pharmacy Windows.** Over the sixteen hours that we observed the stores, a total of 56 patrons used the drive thru windows. Fewer patrons were observed in the morning (i.e., 12 patrons) than in the afternoon (i.e., 44 patrons). The window at the Greenback / Hazel store was rarely used (i.e., twelve patrons in 8 hours), while the Arden / Eastern store had 44 patrons in eight hours.

*Per Ex #3*

Mr. John Glikbarg

VILLAGE PROPERTIES

August 17, 1999

Page 2

**Characteristics of Pharmacy Drive Thru Window.** The time spent at the window varied considerably at each store. The average wait at the window was 2' 53" at the Greenback / Hazel store and 3' 20" at the Arden / Eastern Store. Only one customer arrived at the Greenback / Hazel store when another vehicle was already at the window, and he/she waited 2' 30" to get to the window. Thirteen customers waited behind another vehicle at the Arden / Eastern store where the average length of time before reaching a window was 1' 55".

The maximum number of vehicles queuing at the Arden / Eastern store window was also monitored. While one patron waited behind two cars, all other patrons waited behind a single car.

**Drive Thru Pharmacy Activity as a Percentage of Total Traffic.** The number of vehicles entering and exiting each store at all driveways was also monitored in order to determine the share of store traffic using the Pharmacy drive-thru during peak traffic hours. The four consecutive 15 minute periods with the highest volume were identified as the "peak traffic hour". On average, during the a.m. peak hour about 7% of the entering traffic used the drive-thru window, while during the p.m. peak hour slightly more than 11% of the entering traffic used the drive-thru.

Table 1 - Drive Thru Activity as a Percentage of Total Entering Traffic

Location	Inbound <u>Peak</u> Hour Trips (vehicles per hour)			
	am		pm	
	Pharmacy	Total	Pharmacy	Total
Arden Way / Eastern Avenue	2	26	11	55
Greenback Lane / Hazel Ave	2	35	3	71
AVERAGE	2	30	7	63
	7%	100%	11%	100%

KDA

Mr. John Glikbarg  
VILLAGE PROPERTIES  
August 17, 1999  
Page 3

Please feel free to call if you have any questions or need additional information.

Sincerely Yours,

kdANDERSON Transportation Engineers

A handwritten signature in black ink, appearing to read 'K D Anderson', with a long horizontal flourish extending to the right.

Kenneth D. Anderson, P.E.  
Principal

b:\WALLGREE.RPT

KDA



**MICHAEL M. LENHART, P.E.**  
**SENIOR ASSOCIATE**

Mr. Lenhart is a Professional Engineer with more than nine years experience in the field of Traffic Engineering and Transportation Planning. He spent nine years working for the Maryland State Highway Administration in the areas of traffic operations, traffic engineering, highway design, access management, land development, and transportation planning. As the Team Leader for three counties in Southern Maryland, he was significantly involved in traffic engineering and operations studies with the District 5

Traffic Engineering Office. In addition, he also served as both the Assistant Division Chief and the Division Chief of the Engineering Access Permits division where he managed a staff in the area of access management of land development.

Mr. Lenhart's extensive background within the public sector coupled with his experience in the private sector qualifies him as an expert in his field.

---

**JOB HISTORY**

**1999 to Present**

*Senior Associate, The Traffic Group, Inc.*

**1998 - 1999**

*Division Chief - Asst. Division Chief  
Engineering Access Permits Division  
Maryland State Highway Administration*

**1992 - 1998**

*Team Leader - Three Counties  
District 5 Engineering Office  
Maryland State Highway Administration*

**1990 - 1992**

*Various Traffic Engineering Positions  
Maryland State Highway Administration*

**1987 - 1988**

*American Society for Test Materials (ASTM)*

**EDUCATIONAL BACKGROUND**

*M.S. - Civil Engineering: Transportation Engineering  
and Planning  
University of Maryland at College Park*

*B.S. - Civil Engineering  
University of Maryland at College Park*

*Maryland SHA Graduate Engineer Training Program  
Graduated from 4-year cross training program  
sponsored by MDSHA*

**SPECIAL TRAINING**

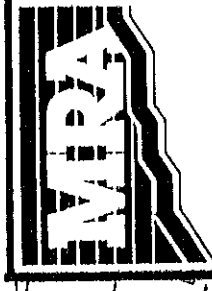
*Northwestern University  
Seminar for Traffic Engineers  
Highway Design Workshop  
Highway Capacity Workshop  
Traffic Management of Land Development  
Human Factors in Transportation Engineering  
Traffic Calming Workshop  
Total Quality Improvement (TQI)  
Dispute and Conflict Resolution  
Dealing with Difficult People  
Continuous Product and Process Improvement  
Business and Technical Writing*

**AREAS OF EXPERTISE**

*Traffic Engineering  
Miscellaneous Traffic Engineering/Operations Studies  
Miscellaneous Traffic Signal Systems Evaluations  
Signal Timing Preparation/Modification  
Miscellaneous ITS/Signing/Lighting/Pavement  
Marking Projects  
Strategic Incident Management Plans  
Highway Development/Access Permits  
Access Management of Land Development  
Maintenance of Traffic  
Highway Engineering  
Transportation Planning  
Construction Inspection  
Materials Testing  
Operations Research*

*Pet Ex 2*

99.530.SPA



**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS

SCALE	DATE
1" = 200' ±	OF
	PHOTOGRAPHY
	JANUARY

**LOCATION**

MIDDLE RIVER

工 平  
寸 寸  
:

**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

1996 COMPREHENSIVE ZONING MAP  
ADOPTED by  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 8, 1996  
BULKY ITEM: 123-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

EN-1 RH-1

(SHEET 42-5-M)

